

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Karen L. Bartlett

v.

Civil No. 08-cv-00358-JL

Mutual Pharmaceutical
Company, Inc.

SUMMARY ORDER

Defendant Mutual Pharmaceutical Company, which appealed the judgment against it in this case to the First Circuit Court of Appeals, has moved this court for completion of the record on appeal. See Fed. R. App. P. 10(e). The court of appeals stayed the appellate proceedings for 45 days or until this court resolves Mutual's motion, whichever is sooner. See Bartlett v. Mut. Pharm. Co., No. 10-2277 (1st Cir. Apr. 8, 2011).

Specifically, Mutual is seeking to supplement the trial record with audio recordings of the videotaped deposition testimony of three witnesses:

- Dr. Nam Heui Kim, a burn surgeon whose testimony was played for the jury on August 18, 2010;
- Dr. Claes Dohlman, an eye surgeon whose testimony was played for the jury on August 19, 2010; and
- Robert Dettery, a Mutual employee whose testimony was played for the jury on August 18 and 23, 2010.

Before trial, the parties designated the portions of videotaped deposition testimony that they wished to play for the jury, and this court ruled on any objections they raised. See documents no. 321, 352, and 354. Because the record already

included those designations and rulings, the videotaped deposition testimony was not transcribed by court reporters when played at trial. Notwithstanding the lack of transcription, this court understands that backup audio recordings of the testimony were made and preserved.

Mutual's motion to complete the record on appeal with those audio recordings¹ is GRANTED. The clerk of court shall provide copies of those audio recordings to each party and shall also forward a certified copy to the court of appeals. See Fed. R. App. P. 10(e)(2) (providing that any "omission" in the trial record "may be corrected and a supplemental record may be certified and forwarded . . . by the district court before or after the record has been forwarded").

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated: May 19, 2011

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¹Document no. 474.

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